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PATENT, TRADEMARK
AND COPYRIGHT CAUSES
—
703-521-2110

March 20, 1985

RECEIVED
PHIL P. MORRIS INC.
LAW DEPARTMENT
MAR 25 1985
NOTED

James E. Schardt Esq.
Philip Morris Incorporated
P. O. Box 26583
Richmond, VA 23261-6583

Re: United States Patent Application Serial Number 603,254, filed April 23, 1984, entitled FLAVOR-RELEASE BETA-HYDROXY-ESTER COMPOSITIONS of Grubbs and Houminer
Your Reference: PM 1019 Div.
Our Reference: PM-85-2

Dear Jim:

Enclosed is your PM 1019 Div. file, and a copy of an Amendment which we filed today in the Patent Office as a response to the Office Action of January 7th in connection with the above-identified patent application.

The Suga et al reference cited of record discloses ethyl 3-ethyl-3-hydroxypentanoate, which is within the scope of our generic claim 17.

We have cancelled claims 17-19, and added new generic claim 34 which excludes all of the compounds disclosed in the cited references. We expect that the Examiner will require that we demonstrate that our claim 20 ß-hydroxy-ester has an unexpected reactivity as compared to the ethyl 3-ethyl-3-hydroxypentanoate compound of Suga et al under pyrolysis conditions.

At a later date you may want to consider the filing of a divisional patent application to reinstate the species of nonelected claims 21 and 23-33, keeping in mind that a showing over the cited prior art most likely will be required.

Please advise us if we can be of any further assistance.

Very truly yours,

DEPAOLI & O'BRIEN, P.C.

G. A. Depaoli /rf

George A. Depaoli

GAD/DJG/rf
Enclosures

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